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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUANA SANTOS-MARTINEZ, aka:
Juana Angeles Salazar-Juarez,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-71059

Agency No. A092-949-514

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted on September 14, 2009^{**}

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Juana Santos-Martinez, native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1252. Reviewing for abuse of discretion the denial of a motion for a continuance, *Baires v. INS*, 856 F.2d 89, 91 (9th Cir. 1988), we deny the petition for review.

The agency properly deemed Santos-Martinez's application abandoned after she failed to file it by the deadline set by the IJ. *See* 8 C.F.R. § 1003.31(c). The agency did not abuse its discretion in denying Santos-Martinez's motion to continue where proceedings had already been continued for preparation and filing of applications and Santos-Martinez did not establish good cause. *See* 8 C.F.R. § 1003.29 (IJ has authority to grant a continuance upon a showing of good cause); *Baires*, 856 F.2d at 91.

Santos-Martinez's due process claim therefore fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

Petitioner's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.